

LEGISLATURE OF THE STATE OF IDAHO
Sixty-third Legislature First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 76

BY REVENUE AND TAXATION COMMITTEE

AN ACT

RELATING TO DETERMINATION OF TAX LEVIES; AMENDING SECTION 50-2908, IDAHO CODE, TO PROVIDE FOR EMERGENCY FUNDS FOR THE SCHOOL EMERGENCY FUND LEVY TO BE INCLUDED ON THE BASE ASSESSMENT ROLL AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 50-2908, IDAHO CODE, AS ENACTED BY SECTION 11, CHAPTER 339, LAWS OF 2012, TO PROVIDE FOR EMERGENCY FUNDS FOR THE SCHOOL EMERGENCY FUND LEVY TO BE INCLUDED ON THE BASE ASSESSMENT ROLL AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 50-2908, Idaho Code, be, and the same is hereby amended to read as follows:

50-2908. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND. (1) For purposes of calculating the rate at which taxes shall be levied by or for each taxing district in which a revenue allocation area is located, the county commissioners shall, with respect to the taxable property located in such revenue allocation area, use the equalized assessed value of such taxable property as shown on the base assessment roll rather than on the current equalized assessed valuation of such taxable property, except the current equalized assessed valuation shall be used for calculating the tax rate for:

(a) Levies for refunds and credits pursuant to section 63-1305, Idaho Code, and any judgment pursuant to section 33-802(1), Idaho Code, certified after December 31, 2007;

(b) Levies for payment of judgments pursuant to section 63-1305A, Idaho Code;

(c) Levies permitted pursuant to section 63-802(3), Idaho Code, certified after December 31, 2007;

(d) Levies for voter approved general obligation bonds of any taxing district and plant facility reserve fund levies passed after December 31, 2007;

(e) Levies set forth in paragraphs ~~(1)~~(a) through (d) of this subsection, first certified prior to December 31, 2007, when the property affected by said levies is included within the boundaries of a revenue allocation area by a change in the boundaries of either the revenue allocation area or any taxing district after December 31, 2007; and

(f) School levies for supplemental maintenance and operation pursuant to section 33-802(3) and (4), Idaho Code, approved after December 31, 2007, and for emergency funds pursuant to section 33-805, Idaho Code, approved after July 1, 2015.

(2) With respect to each such taxing district, the tax rate calculated under subsection (1) of this section shall be applied to the current equalized assessed valuation of all taxable property in the taxing district, in-

cluding the taxable property in the revenue allocation area. The tax revenues thereby produced shall be allocated as follows:

(a) To the taxing district shall be allocated and shall be paid by the county treasurer:

(i) All taxes levied by the taxing district or on its behalf on taxable property located within the taxing district but outside the revenue allocation area;

(ii) A portion of the taxes levied by the taxing district or on its behalf on the taxable property located within the revenue allocation area, which portion is the amount produced by applying the taxing district's tax rate determined under subsection (1) of this section to the equalized assessed valuation, as shown on the base assessment roll, of the taxable property located within the revenue allocation area; and

(iii) All taxes levied by the taxing district to satisfy obligations specified in subsection (1) (a) through (f) of this section.

(b) To the urban renewal agency shall be allocated the balance, if any, of the taxes levied on the taxable property located within the revenue allocation area.

(3) Upon enactment of an ordinance adopting a revenue allocation financing provision as part of an urban renewal plan, the urban renewal agency shall create a special fund or funds to be used for the purposes enumerated in this chapter. The revenues allocated to the urban renewal agency pursuant to this chapter shall be paid to the agency by the treasurer of the county in which the revenue allocation district is located and shall be deposited by the agency into one (1) or more of such special funds. The agency may, in addition, deposit into such special fund or funds such other income, proceeds, revenues and funds it may receive from sources other than the revenues allocated to it under subsection (2) (b) of this section.

(4) For the purposes of section 63-803, Idaho Code, during the period when revenue allocation under this chapter is in effect, and solely with respect to any taxing district in which a revenue allocation area is located, the county commissioners shall, in fixing any tax levy other than the levy specified in subsection (1) (a) through (f) of this section, take into consideration the equalized assessed valuation of the taxable property situated in the revenue allocation area as shown in the base assessment roll, rather than the current equalized assessed value of such taxable property.

(5) For all other purposes, including, without limitation, for purposes of sections 33-802, 33-1002 and 63-1313, Idaho Code, reference in the Idaho Code to the term "market value for assessment purposes" (or any other such similar term) shall mean market value for assessment purposes as defined in section 63-208, Idaho Code.

SECTION 2. That Section 50-2908, Idaho Code, as enacted by Section 11, Chapter 339, Laws of 2012, be, and the same is hereby amended to read as follows:

50-2908. DETERMINATION OF TAX LEVIES -- CREATION OF SPECIAL FUND. (1) For purposes of calculating the rate at which taxes shall be levied by or for each taxing district in which a revenue allocation area is located, the county commissioners shall, with respect to the taxable property located in

1 such revenue allocation area, use the equalized assessed value of such tax-
 2 able property as shown on the base assessment roll rather than on the current
 3 equalized assessed valuation of such taxable property, except the current
 4 equalized assessed valuation shall be used for calculating the tax rate for:

5 (a) Levies for refunds and credits pursuant to section 63-1305, Idaho
 6 Code, and any judgment pursuant to section 33-802(1), Idaho Code, certi-
 7 fied after December 31, 2007;

8 (b) Levies permitted pursuant to section 63-802(3), Idaho Code, certi-
 9 fied after December 31, 2007;

10 (c) Levies for voter approved general obligation bonds of any taxing
 11 district and plant facility reserve fund levies passed after December
 12 31, 2007;

13 (d) Levies set forth in paragraphs ~~(1)~~(a) through (c) of this subsec-
 14 tion, first certified prior to December 31, 2007, when the property af-
 15 fected by said levies is included within the boundaries of a revenue al-
 16 location area by a change in the boundaries of either the revenue allo-
 17 cation area or any taxing district after December 31, 2007; and

18 (e) School levies for supplemental maintenance and operation pursuant
 19 to section 33-802(3) and (4), Idaho Code, approved after December 31,
 20 2007, and for emergency funds pursuant to section 33-805, Idaho Code,
 21 approved after July 1, 2015.

22 (2) With respect to each such taxing district, the tax rate calculated
 23 under subsection (1) of this section shall be applied to the current equal-
 24 ized assessed valuation of all taxable property in the taxing district, in-
 25 cluding the taxable property in the revenue allocation area. The tax rev-
 26 enues thereby produced shall be allocated as follows:

27 (a) To the taxing district shall be allocated and shall be paid by the
 28 county treasurer:

29 (i) All taxes levied by the taxing district or on its behalf on
 30 taxable property located within the taxing district but outside
 31 the revenue allocation area;

32 (ii) A portion of the taxes levied by the taxing district or on its
 33 behalf on the taxable property located within the revenue allo-
 34 cation area, which portion is the amount produced by applying the
 35 taxing district's tax rate determined under subsection (1) of this
 36 section to the equalized assessed valuation, as shown on the base
 37 assessment roll, of the taxable property located within the rev-
 38 enue allocation area; and

39 (iii) All taxes levied by the taxing district to satisfy obliga-
 40 tions specified in subsection (1) (a) through (e) of this section.

41 (b) To the urban renewal agency shall be allocated the balance, if any,
 42 of the taxes levied on the taxable property located within the revenue
 43 allocation area.

44 (3) Upon enactment of an ordinance adopting a revenue allocation fi-
 45 nancing provision as part of an urban renewal plan, the urban renewal agency
 46 shall create a special fund or funds to be used for the purposes enumerated
 47 in this chapter. The revenues allocated to the urban renewal agency pursuant
 48 to this chapter shall be paid to the agency by the treasurer of the county in
 49 which the revenue allocation district is located and shall be deposited by
 50 the agency into one (1) or more of such special funds. The agency may, in ad-

1 dition, deposit into such special fund or funds such other income, proceeds,
2 revenues and funds it may receive from sources other than the revenues allo-
3 cated to it under subsection (2) (b) of this section.

4 (4) For the purposes of section 63-803, Idaho Code, during the period
5 when revenue allocation under this chapter is in effect, and solely with re-
6 spect to any taxing district in which a revenue allocation area is located,
7 the county commissioners shall, in fixing any tax levy other than the levy
8 specified in subsection (1) (a) through (e) of this section, take into con-
9 sideration the equalized assessed valuation of the taxable property situ-
10 ated in the revenue allocation area as shown in the base assessment roll,
11 rather than the current equalized assessed value of such taxable property.

12 (5) For all other purposes, including, without limitation, for pur-
13 poses of sections 33-802, 33-1002 and 63-1313, Idaho Code, reference in the
14 Idaho Code to the term "market value for assessment purposes" (or any other
15 such similar term) shall mean market value for assessment purposes as de-
16 fined in section 63-208, Idaho Code.

17 SECTION 3. The provisions of Section 2 of this act shall be in full force
18 and effect on and after July 1, 2017.